

BOARD OF SUPERVISORS

MINUTES

April 27, 2005

Supervisors in Attendance:

Mr. Edward B. Barber, Chairman
Mr. R. M. "Dickie" King, Jr.,
Vice Chairman
Mrs. Renny Bush Humphrey
Mr. Kelly E. Miller
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

**School Board Member in
Attendance:**

Mr. Marshall Trammell

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Kevin Bruny, Dean
Chesterfield University
Ms. Jana Carter, Dir.,
Youth Planning
and Development
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Manager,
County Airport
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC,
Clerk
Mr. Jeff Franklin, Asst.
Dir., Utilities
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Pat Kizzie, Asst.
Dir., Social Services
Ms. Mary Lou Lyle, Dir.,
Accounting
Chief Paul Mauger,
Fire and EMS Dept.
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering

Mr. Steven L. Micas,
County Attorney
Major Ronald O'Sheilds,
Sheriff's Office
Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. Barber called the regularly scheduled meeting to order at 4:04 p.m.

1. APPROVAL OF MINUTES FOR APRIL 13, 2005

On motion of Mr. Miller, seconded by Mr. King, the Board approved the minutes of April 13, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

Mr. Ramsey stated bids for purchasing Chesterfield County Certificates of Participation were received this morning, and Board approval is necessary to accept the low bid at the specified interest rate.

Mr. Barber stated the Board will consider Item 8.A. at this time.

8.A. ACCEPTANCE OF A BID TO PURCHASE CHESTERFIELD COUNTY CERTIFICATES OF PARTICIPATION, SERIES 2005A-C, RELATED TO FINANCING FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

Ms. Dickson stated bids were received today for purchasing Chesterfield County Certificates of Participation, Series 2005A-C, related to financing for various capital improvement projects. She further stated the lowest responsible bidder was Citygroup Global Markets, Incorporated at a true interest cost of 3.9 percent.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board accepted and approved a proposal from Citygroup Global Markets, Incorporated, at a true interest cost of 3.9 percent, to purchase (adjusted as permissible in accordance with the terms of the preliminary official statement) \$4,300,000 principal amount of Certificates of Participation, Series 2005A, \$8,590,000 principal amount of Certificates of Participation, Series 2005B, and \$1,245,000 principal amount of Certificates of Participation, Series 2005C, in connection with the planned Certificates of Participation financing for the Police Property/Evidence Storage Facility, the Community Development Building, Airport Hangar Project and the Finance/Human Resources Information System.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

o **MODEL COUNTY GOVERNMENT DAY**

Mr. Ramsey stated the county is pleased to host Model Government Day again this year.

Ms. Carter stated tomorrow is Model County Government Day and 43 students will participate by shadowing a county official.

Each student and five advisors came forward and introduced themselves. Ten of the students were seated with the Board members, County Administrator and the Clerk and participated in today's meeting.

Mr. Barber thanked the students and advisors for participating in Model County Government Day.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mr. Miller, the Board added Item 8.C.1.g., Adoption of Resolution Recognizing May 1-7, 2005, as "Arson Awareness Week" in Chesterfield County; added Item 8.C.6.f., Set Date for Public Hearing to Consider Amending the Public Facilities Plan, an Element of the Plan for Chesterfield, Relative to Schools; added Item 8.C.6.g., Set Date for Public Hearing to Consider the Donation of 21.9 Acres, More or Less, at the Courthouse Complex to the Health Center Commission for the County of Chesterfield; added Item 8.C.9., Approval of Street-Name Change; added Item 8.C.10., Request to Quitclaim a Fifty-Foot Drainage Easement and a Temporary Turnaround Easement Across the Property of Savage and Lennon, Incorporated; Added Item 8.C.11., Initiation of Zoning Application for Middle School Site at the Centerpointe Project; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

o **RECOGNIZING MAY 2005, AS "OLDER AMERICANS MONTH" IN CHESTERFIELD COUNTY**

Mr. Hammer introduced Dr. Thelma Bland-Watson, Executive Director of Senior Connections, the Capital Area Agency on Aging, and representatives from various organizations that provide services and programs for older residents.

Dr. Watson expressed appreciation to the Board for recognizing "Older Americans Month." She stated older citizens serve as role models for our youth. She thanked the Board for creating the office of the Senior Advocate and expressed appreciation for the work of Ms. Diane Peterson, Senior Advocate.

On motion of the Board, the following resolution was adopted:

WHEREAS, Chesterfield County is home to more than 38,240 residents aged 60 years or older; and

WHEREAS, each community in America must strive to recognize the contributions of our older citizens, understand and address their evolving needs, and support their caregivers; and

WHEREAS, our society is dependent upon intergenerational cooperation and support, and benefits from our collaborative efforts to serve older Americans and the people who love them; and

WHEREAS, this year marks the 40th anniversary of the passage of the Older Americans Act by the United States Congress; and

WHEREAS, the 2005 theme for Older Americans Month, "Celebrating Long-Term Living," has been chosen to recognize and honor the valuable contributions of older adults to their communities as they age; and

WHEREAS, Senior Connections, The Capital Area Agency on Aging has set aside May 2005 to recognize and celebrate older adults in Planning District 15 and celebrate their contributions; and

WHEREAS, Chesterfield TRIAD has declared May 4th as Senior Day to be celebrated at the Chesterfield County Fairgrounds Exhibition Building from 9:00 a.m. to 1:00 p.m.; and

WHEREAS, Older Americans Month acknowledges and salutes the invaluable experience, wisdom and service that older residents contribute to Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of April 2005, publicly recognizes May 2005, as "Older Americans Month" in Chesterfield County, expresses appreciation to all of its older citizens for their lifelong contributions, and also expresses appreciation to the organizations and Chesterfield County departments who serve older adults and wishes them continued success in all their efforts on behalf of our older residents.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

An executed copy of the resolution was presented to each of the representatives present.

Mr. Miller expressed appreciation for each of the representatives' contributions to the county's senior citizens.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.B. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Camp Baker Management Board and the Riverside Regional Jail Authority.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.1. CAMP BAKER MANAGEMENT BOARD

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Mr. James Lumpkin, representing the Dale District, to serve on the Camp Baker Management Board, whose term is effective May 1, 2005 and expires April 30, 2008.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.B.2. RIVERSIDE REGIONAL JAIL AUTHORITY

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/appointed Mr. James J. L. Stegmaier to fill the remainder of Mr. Lane B. Ramsey's term as a member of the Riverside Regional Jail Authority, which expires on June 30, 2006, by adopting the following resolution:

WHEREAS, Chapter 726 of the 1990 Acts of Assembly created the Riverside Regional Jail Authority (hereinafter "the Authority"); and

WHEREAS, that legislation stated that members of the Authority shall serve four year terms; and

WHEREAS, on June 26, 2002, the Board appointed Lane B. Ramsey to serve a four-year term from July 1, 2002 through June 30, 2006 and also appointed Mary Ann Curtin to serve as Mr. Ramsey's alternate member during the entirety of the four-year term; and

WHEREAS, scheduling conflicts make it impossible for Mr. Ramsey to attend upcoming meetings of the Authority; and

WHEREAS, in order to ensure that Chesterfield County maintains full representation at future meetings of the Authority, the Board now wishes to replace Mr. Ramsey with another appointee to serve the remainder of Mr. Ramsey's four-year term.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Chesterfield County that Lane B. Ramsey is replaced as Chesterfield County's representative on the Authority Board by James J. L. Stegmaier, who shall serve the remainder of Mr. Ramsey's four-year term, to expire on June 30, 2006, and that Mary Ann Curtin shall continue to serve as alternate member during the remainder of the four-year term.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C. CONSENT ITEMS

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING MRS. JOAN B. NORFLEET, SOCIAL SERVICES, UPON HER RETIREMENT

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Mrs. Joan B. Norfleet began her career in public social services thirty years ago and has been with Chesterfield County in the field of Child Protective Services since May 15, 1984; and

WHEREAS, in her roles as a social worker, senior social worker and supervisor, Mrs. Norfleet has worked diligently with individuals, families and the community to provide advocacy and excellent services that protect the well-being of children; and

WHEREAS, throughout her career, Mrs. Norfleet has served as sponsor for Parent's Anonymous self help group, was a professional resource for Theater IV in the development of the musical drama "Hugs and Kisses," which deals with child sexual abuse; and organized a group for sexual abuse victims; and

WHEREAS, Mrs. Norfleet was actively involved in the Chesterfield-Colonial Heights Multidisciplinary Child Abuse and Neglect Team; was in the leadership role on the Sex Abuse Task Force that developed the County Response Protocol; represented the Department on the Domestic Violence Task Force and on the Fatality Review Team; and has served on numerous state and county committees; and

WHEREAS, Mrs. Norfleet has been a strong leader who was committed to the vision, mission and values of the department; and

WHEREAS, Mrs. Norfleet has been a role model of teamwork and professionalism for her colleagues in and outside of Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Joan B. Norfleet, expresses the appreciation of all residents for her service to the county, and offers congratulations upon her retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.b. RECOGNIZING MAY 1-7, 2005, AS "MUNICIPAL CLERKS WEEK"

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Municipal Clerks serve as the information center on functions of local government and the community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the week of May 1-7, 2005, as "Municipal Clerks Week" and extends their appreciation to Chesterfield's Municipal Clerks, Mrs. Lisa Elko, CMC and Mrs. Janice Blakley, CMC, and to all Municipal Clerks for the vital services they perform and for their exemplary dedication to the communities they represent.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.c. RECOGNIZING GIRL SCOUTS UPON ATTAINING THE GOLD AWARD

8.C.1.c.1. MS. RACHEL GIBSON

8.C.1.c.2. MS. AVONDA TURNER

8.C.1.c.3. MS. HANA REED

8.C.1.c.4. MS. JEANETTE GRAY

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the Girl Scouts of the United States of America is an organization serving over 2.6 million girls and was founded to promote citizenship training and personal development; and

WHEREAS, after earning four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and designing and implementing a Girl Scout Gold Award project; and

WHEREAS, the Gold Award is the highest achievement award in Girl Scouting and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development; and

WHEREAS, the Girl Scout Award can only be earned by girls aged 14-17 or in grades 9-12 and is received by less than six percent of those individuals entering the Girl Scouting movement; and

WHEREAS, Ms. Rachel Patrice Gibson, Ms. Avonda Lartice Turner, Ms. Hana Rebecca Reed and Ms. Jeanette Renee Gray, all of Troop 927, sponsored by Grace Lutheran Church, have accomplished these high standards and have been honored with the Girl Scouts of America Gold Award by the Commonwealth Girl Scout Council of Virginia; and

WHEREAS, growing through their experiences in Girl Scouting, learning the lessons of responsible citizenship, and priding themselves on the great accomplishments of their country, Rachel, Avonda, Hana and Jeanette are indeed members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Ms. Rachel Patrice Gibson, Ms. Avonda Lartice Turner, Ms. Hana Rebecca Reed and Ms. Jeanette Renee Gray, extends congratulations on their attainment of the Gold Award and acknowledges the good fortune of the county to have such outstanding young women as its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.1.d. RECOGNIZING MAY 15-21, 2005, AS "NATIONAL LAW ENFORCEMENT WEEK"

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, one of Chesterfield County's eight strategic goals is "to be the safest and most secure community compared to similar jurisdictions"; and

WHEREAS, no human aspiration is more fundamental and important than safety of family, self and others whom we hold dear; and

WHEREAS, the dedicated, loyal and brave members of the various law enforcement agencies that operate in Chesterfield County provide an invaluable service to all citizens; and

WHEREAS, this service, provided 24 hours a day and 365 days a year, is part of the foundation upon which our quality of life rests; and

WHEREAS, during a time of war overseas and heightened risks of terrorist attacks on our homeland, law enforcement agencies are doing everything within their means to provide for the security of our nation during these trying times; and

WHEREAS, the week of May 15-21, 2005, is widely recognized across the nation as "National Law Enforcement Week" and will honor the 155 law enforcement officers who gave their lives in 2004 in the line of duty; and

WHEREAS, Chesterfield County is proud and honored to have such outstanding and professional individuals serving as law enforcement officers in the county to protect the health, safety and welfare of its citizenry.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors hereby recognizes the week of May 15-21, 2005, as "National Law Enforcement Week" in Chesterfield County and calls this recognition to the attention of all its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.e. RECOGNIZING FIREFIGHTER MELVIN M. WHITLOCK, CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Firefighter Max Whitlock will retire from the Fire and Emergency Medical Services Department, Chesterfield County, on July 1, 2005; and

WHEREAS, Firefighter Whitlock was hired on September 1, 1981, attended Recruit School #12 in 1982 and has faithfully served the county for nearly twenty-four years in various assignments as a Firefighter at the Midlothian Fire and EMS Station; as a Firefighter at the Manchester Fire and EMS Station; as a Firefighter at the Bensley Fire and EMS Station; and as a Firefighter at the Buford Fire and EMS Station; and

WHEREAS, in service to the citizens of Chesterfield County over the course of his career, Firefighter Whitlock has assisted in educating others in fire safety and accident prevention and responded to hundreds of fire and medical emergencies providing for protection of both life and property, all the while offering assistance, comfort, and compassionate care.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter Melvin "Maxey" Whitlock, expresses the appreciation of all residents for his service to the county,

and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.f. RECOGNIZING THE WEEK OF MAY 15-21, 2005, AS
"BUSINESS APPRECIATION WEEK" IN CHESTERFIELD COUNTY

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, Chesterfield County has a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses are both domestically and internationally based and range in size from very small entrepreneurial companies to large companies employing more than 2,800 people; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Chesterfield County; and

WHEREAS, nearly \$48.05 million has been invested and 710 new jobs created by industry thus far in Fiscal Year 2004-2005, with the total impact of county businesses being an integral part of the local economy and vital to supporting the high quality of life enjoyed by Chesterfield residents; and

WHEREAS, business tax revenues are critical in offsetting the cost of county-provided services required by our rapidly growing residential sector, in addition to industry taking an active role in making the community a better place through their commitment to charitable organizations, schools, recreation and other worthwhile endeavors.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors hereby expresses its gratitude on behalf of county residents to all businesses and industry located in Chesterfield for their contributions over many years by recognizing May 15-21, 2005, as "Business Appreciation Week."

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.1.g. RECOGNIZING MAY 1-7, 2005, AS "ARSON AWARENESS
WEEK" IN CHESTERFIELD COUNTY

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, arson is a crime that threatens the safety of the entire community; and

WHEREAS, arson negatively impacts community growth and development in Chesterfield County due to increased monies and resources needed to combat this problem, including the police department, mental health, schools, hospitals, social

services, and the media, in addition to the fire department;
and

WHEREAS, the crime of arson has the highest rate of
juvenile involvement of all other crimes; and

WHEREAS, juvenile arson results in over 300 deaths and
3,000 injuries every year and \$300 million in property
damage; and

WHEREAS, most of the 300 deaths annually are the same
young children setting the fires; and

WHEREAS, the Arson Awareness Week theme, "Juvenile Arson
Prevention" teaches the community that information,
intervention and treatment programs for juvenile firesetters
can help prevent this very preventable tragedy.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield
County Board of Supervisors recognizes the week of May 1-7,
2005, as "Arson Awareness Week."

AND, BE IT FURTHER RESOLVED, that the Board of
Supervisors calls upon the people of Chesterfield County to
participate in fire safety and prevention by working jointly
with Chesterfield Fire and EMS to create and encourage
community awareness and understanding towards reducing the
number of juvenile set fires.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.2. REQUEST FOR A PERMIT TO STAGE A FIREWORKS DISPLAY AT
THE CHESTERFIELD COUNTY FAIRGROUNDS ON JULY 4, 2005**

On motion of Mr. Warren, seconded by Mr. Miller, the Board
approved a request from the Chesterfield County Parks and
Recreation Department for a permit to stage a fireworks
display at the Chesterfield County Fairgrounds on July 4,
2005, with no rain date.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.3. TRANSFER AND APPROPRIATION OF ADDITIONAL FUNDS,
AUTHORIZATION TO PROCEED WITH RIGHT-OF-WAY
ACQUISITION, AND AUTHORIZATION TO AWARD A
CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF ROUTE
360 WESTBOUND LANES FROM ROUTE 288 TO OLD HUNDRED
ROAD**

On motion of Mr. Warren, seconded by Mr. Miller, the Board
transferred \$40,000 from the completed Route 360 Eastbound
Lane Fill-in-the-Gap project; appropriated \$270,000 in road
cash proffers (Sheds 6, 11, 12 - \$90,000 each) for the
construction of additional westbound lanes on Route 360 from
Route 288 to Old Hundred Road; authorized staff to proceed
with the right-of-way acquisition, including advertisement of
an eminent domain public hearing if necessary; and authorized
the County Administrator to award a construction contract, up
to \$200,000, to the lowest responsible bidder.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.4. STATE ROAD ACCEPTANCE

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Tredegar Lake Parkway

● Tredegar Lake Parkway, State Route Number: 5870

From: Charter Colony Parkway (Rt. 754)

To: 0.02 Mi. E of Charter Colony Parkway (Rt. 754), a distance of: 0.02 miles.

Right-of-way record was filed on 10/16/2003 with the Office Of Clerk To Circuit Court in Db. 5432; Pg.

253, with a width of Variable

● Tredegar Lake Parkway, State Route Number: 5870

From: 0.02 Mi. E of Charter Colony Pkwy., (Rt. 754)

To: Existing Waterford Lake Dr., (Rt. 4535), a distance of: 0.35 miles.

Right-of-way record was filed on 10/16/2003 with the Office Of Clerk To Circuit Court in Db. 5432; Pg.

253, with a width of 66 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the

streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Hampton Park, Section 14**

● **Hampton Chase Way, State Route Number: 5821**

From: Hampton Green Dr., (Rt. 5383)

To: 0.08 Mi. N of Hampton Green Dr., (Rt. 5383), a distance of: 0.08 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb. 128; Pg. 87,
with a width of 50 Ft.

● **Hampton Green Drive, State Route Number: 5383**

From: Hampton Chase Wy., (Rt. 5821)

To: 0.05 Mi. E of Hampton Chase Wy., (Rt. 5821), a distance of: 0.05 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb. 128; Pg. 87,
with a width of 40 Ft.

● **Hampton Green Drive, State Route Number: 5383**

From: Hampton Green Dr., (Rt. 5383)

To: Hampton Chase Wy., (Rt. 5821), a distance of: 0.18 miles.

Right-of-way record was filed on 9/4/2002 with the Office Of Clerk To Circuit Court in Pb. 128; Pg. 87,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Qualla Farms, Section F**

● **Charter Oak Drive, State Route Number: 5722**

From: Stockport Dr., (Rt. 5721)

To: Dunroming Rd., (Rt. 5726), a distance of: 0.13 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,
with a width of 47 Ft.

● **Charter Oak Drive, State Route Number: 5722**

From: Dunroming Rd., (Rt. 5726)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,
with a width of 40 Ft.

● **Dunroming Road, State Route Number: 5726**

From: Charter Oak Dr., (Rt. 5722)

To: 0.09 Mi. E of Charter Oak Dr., (Rt. 5722), a distance of: 0.09 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,
with a width of 40 Ft.

● **Stockport Court, State Route Number: 5724**

From: Stockport Dr., (Rt. 5721)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,
with a width of 40 Ft.

● **Stockport Drive, State Route Number: 5721**

From: Qualla Rd., (Rt. 653)

To: Charter Oak Dr., (Rt. 5722), a distance of: 0.25 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,
with a width of 50 Ft.

● **Stockport Drive, State Route Number: 5721**

From: Charter Oak Dr., (Rt. 5722)

To: 0.06 Mi. E of Charter Oak Dr. (Rt. 5722), a distance of: 0.06 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,

with a width of 50 Ft.

● **Stockport Place, State Route Number: 5723**

From: Stockport Dr., (Rt. 5721)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,

with a width of 40 Ft.

● **Stockport Turn, State Route Number: 5725**

From: Stockport Dr., (Rt. 5721)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 1/10/2003 with the Office Of Clerk To Circuit Court in Pb. 131; Pg. 45,

with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Sterling Cove at The Highlands, Section 2**

● **Colorstone Place, State Route Number: 5873**

From: Sterling Cove Dr., (Rt. 5198)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 8/13/2005 with the Office Of Clerk To Circuit Court. in Pb. 135; Pg. 95,
with a width of 50 Ft.

● **Sterling Cove Drive, State Route Number: 5198**

From: Sterling Cove Pl., (Rt. 5871)

To: Sterling Tide Ct., (Rt. 5872), a distance of: 0.02 miles.

Right-of-way record was filed on 8/13/2003 with the Office Of Clerk To Circuit Court. in Pb. 135; Pg. 95,
with a width of 50 Ft.

● **Sterling Cove Drive, State Route Number: 5198**

From: Sterling Tide Ct., (Rt. 5872)

To: Colorstone Pl., (Rt. 5873), a distance of: 0.10 miles.

Right-of-way record was filed on 8/13/2003 with the Office Of Clerk To Circuit Court. in Pb. 135; Pg. 95,
with a width of 50 Ft.

● **Sterling Cove Drive, State Route Number: 5198**

From: Colorstone Pl., (Rt. 5873)

To: 0.07 Mi. E of Colorstone Pl., (Rt. 5873), a distance of: 0.07 miles.

Right-of-way record was filed on 8/13/2003 with the Office Of Clerk To Circuit Court. in Pb. 135; Pg. 95,
with a width of 50 Ft.

● **Sterling Cove Place, State Route Number: 5871**

From: Sterling Cove Dr., (Rt. 5198)

To: Cul-de-sac, a distance of: 0.32 miles.

Right-of-way record was filed on 8/13/2003 with the Office Of Clerk To Circuit Court. in Pb. 135; Pg. 95,
with a width of 50 Ft.

● **Sterling Tide Court, State Route Number: 5872**

From: Sterling Cove Dr., (Rt. 5198)

To: Cul-de-sac, a distance of: 0.12 miles.

Right-of-way record was filed on 8/13/2003 with the Office Of Clerk To Circuit Court. in Pb. 135; Pg. 95,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways,

pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **The Woods At Summerford, Section A**

● **Orchid Court, State Route Number: 5838**

From: Orchid Dr., (Rt. 5837)

To: Cul de sac, a distance of: 0.03 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 40 Ft.

● **Orchid Drive, State Route Number: 5837**

From: Prince James Dr., (Rt. 5833)

To: Orchid Ct., (Rt. 5838), a distance of: 0.08 miles.

Right-of-way record was filed on 3/25/2002 with the Land Records Office in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Orchid Drive, State Route Number: 5837**

From: Orchid Ct., (Rt. 5838)

To: Orchid Tr., (Rt. 5839), a distance of: 0.07 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Orchid Drive, State Route Number: 5837**

From: Orchid Tr., (Rt. 5839)

To: 0.02 Mi. E of Orchid Tr., (Rt. 5839), a distance of: 0.02 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Orchid Terrace, State Route Number: 5839**

From: Orchid Dr., (Rt. 5837)

To: Cul de sac, a distance of: 0.05 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 40 Ft.

● **Prince James Court, State Route Number: 5835**

From: Prince James Dr., (Rt. 5833)

To: Cul de sac, a distance of: 0.03 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 40 Ft.

● **Prince James Drive, State Route Number: 5833**

From: Springford Pkwy., (Rt. 5717)
To: Orchid Dr., (Rt. 5837), a distance of: 0.06 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Prince James Drive, State Route Number: 5833**

From: Orchid Dr., (Rt. 5837)
To: Prince James Pl., (Rt. 5834), a distance of: 0.02 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Prince James Drive, State Route Number: 5833**

From: Prince James Pl., (Rt. 5834)
To: Prince James Ct., (Rt. 5835), a distance of: 0.08 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Prince James Drive, State Route Number: 5833**

From: Prince James Ct., (Rt. 5835)
To: Prince James Tr., (Rt. 5836), a distance of: 0.06 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Prince James Drive, State Route Number: 5833**

From: Prince James Tr., (Rt. 5836)
To: 0.03 Mi. E of Prince James Tr., (Rt. 5836), a distance of: 0.03 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 50 Ft.

● **Prince James Place, State Route Number: 5834**

From: Prince James Dr., (Rt. 5833)
To: Cul de sac, a distance of: 0.08 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 40 Ft.

● **Prince James Terrace, State Route Number: 5836**

From: Prince James Dr., (Rt. 5833)
To: Cul de sac, a distance of: 0.13 miles.

Right-of-way record was filed on 3/25/2002 with the Office Of Clerk To Circuit Court in Pb. 124, Pg. 81,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **North Otterdale Road, Extension**

● **North Otterdale Road (extension), State Route Number: 970**

From: **North Otterdale Rd., (Rt. 970)**

To: **0.32 Mi. W on North Otterdale Rd., (Rt. 970), a distance of: 0.32 miles.**

Right-of-way record was filed on 1/27/2003 with the Office Of Clerk To Circuit Court in Db. 4883; Pg. 352,

with a width of 70 Ft.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.5. AUTHORIZE THE CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT TO RECEIVE AND APPROPRIATE FUNDS FROM AN ANONYMOUS DONOR

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Fire and Emergency Medical Services Department to receive and appropriate \$25,000 in funds from an anonymous donor for the purpose of replacing the department's current atmospheric gas monitors which are obsolete and no longer serviceable.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.6. SET DATES FOR PUBLIC HEARINGS

8.C.6.a. TO CONSIDER AN ORDINANCE TO ESTABLISH THE "BECKHAM DRIVE SEWER ASSESSMENT DISTRICT"

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider an ordinance to establish the "Beckham Drive Sewer Assessment District."

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.6.b. TO APPROPRIATE ADDITIONAL FUNDS FOR RAYON PARK WASTEWATER IMPROVEMENTS PROJECT

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of \$800,000 in additional funds from the Utilities fund balance; authorization for staff to recommend annual Community Development Block Grant reimbursement of funds in incremental amounts of \$132,000; and authorization for the County Administrator to execute all necessary documents.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.6.c. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK TRAFFIC ON FOX CLUB PARKWAY AND FOX CLUB ROAD

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider the restriction of through truck traffic on Fox Club Parkway and Fox Club Road from Route 360 to Woolridge Road.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.6.d. TO CONSIDER LEASE OF SPACE IN FIRE STATION 15 LOCATED AT 7300 AIRFIELD DRIVE TO PETROLEUM HELICOPTERS, INCORPORATED FOR EMERGENCY MEDICAL TRANSPORT SERVICE

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider lease of space in Fire Station 15 located at 7300 Airfield Drive to Petroleum Helicopters, Incorporated for medical facility-to-facility transport service.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.6.e. TO CONSIDER THE APPROPRIATION OF FUNDS IN FEDERAL AND STATE FUNDS FOR VARIOUS SOCIAL SERVICE PROGRAMS

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of \$1,172,075 in federal and state funds for various social service programs.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.6.g. TO CONSIDER THE DONATION OF 21.9 ACRES, MORE OR LESS, AT THE COURTHOUSE COMPLEX TO THE HEALTH CENTER COMMISSION FOR THE COUNTY OF CHESTERFIELD

On motion of Mr. Warren, seconded by Mr. Miller, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider the donation of 21.9 acres, more or less, at the Courthouse Complex to the Health Center Commission for the County of Chesterfield.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7. REQUESTS FOR PERMISSION

8.C.7.a. FROM SCOTT A. POWELL FOR AN EXCEPTION TO THE USE OF PUBLIC WATER FOR A PROPOSED RESIDENTIAL STRUCTURE LOCATED ON OLD GUN ROAD WEST

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Scott A. Powell for an exception to the use of public water for a proposed residential structure located at 3050 Old Gun Road West. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.b. FROM ROY K. DUNWIRTH, JR. FOR AN EXCEPTION TO THE USE OF PUBLIC WASTEWATER FOR A PROPOSED GARAGE ON GENITO ROAD

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Roy K. Dunwirth, Jr. for an exception to the use of public wastewater for a proposed garage at 15421 Genito Road. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7.c. FROM MAURICE T. OXENDINE TO INSTALL PRIVATE WATER AND SEWER SERVICES WITHIN PRIVATE EASEMENTS TO SERVE PROPERTY ON GILL STREET

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from Maurice T. Oxendine for permission to install private water and sewer services within private

easements to serve property at 3921 Gill Street. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.7.d. FROM G AND E CONSTRUCTION COMPANY, INCORPORATED FOR A PROPOSED DRIVEWAY TO ENCROACH WITHIN A THIRTY-FOOT AND A FIFTY-FOOT UNIMPROVED COUNTY RIGHT OF WAY KNOWN AS JOE AVENUE

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from G and E Construction Company, Incorporated for a proposed driveway to encroach within a 30-foot and a 50-foot unimproved county right of way known as Joe Avenue, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.7.e. FROM TRUSTEES OF KINGSLAND BAPTIST CHURCH FOR A PROPOSED FIFTEEN-INCH CONCRETE PIPE TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED COUNTY RIGHT OF WAY KNOWN AS OAK LAWN STREET

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from the Trustees of Kingsland Baptist Church for permission for a proposed 15-inch concrete pipe to encroach within a 50-foot unimproved county right of way known as Oak Lawn Street, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.7.f. FROM G. SCOTT KNAGGS FOR A PROPOSED FENCE TO ENCROACH WITHIN A FIFTY-FOOT GREENWAY EASEMENT ACROSS LOT 74, BLOCK A, CABIN CREEK, SECTION C-2

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved a request from G. Scott Knaggs for permission for a proposed fence to encroach within a 50-foot greenway easement across Lot 74, Block A, Cabin Creek, Section C-2, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.8. ACCEPTANCE OF PARCELS OF LAND

8.C.8.a. ALONG THE NORTH RIGHT OF WAY LINE OF OTTERDALE ROAD FROM GLEN ABBEY PARTNERS, LLC

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of two parcels of land, containing a total of 0.066 acres, along the north right of way line of Otterdale Road (State Route 667) from Glen Abbey Partners, LLC, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.8.b. ALONG THE SOUTH RIGHT OF WAY LINE OF POINT OF ROCKS ROAD FROM THE TRUSTEES OF REHOBOTH WORSHIP CENTER

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land, containing 0.079 acres, along the south right of way line of Point of Rocks Road (State Route 904) from the Trustees of Rehoboth Worship Center, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.8.c. ALONG THE EAST RIGHT OF WAY LINE OF OLD HUNDRED ROAD FROM VIRGINIA A. JUSTIS

On motion of Mr. Warren, seconded by Mr. Miller, the Board accepted the conveyance of a parcel of land, containing 1.108 acres, along the east right of way line of Old Hundred Road (State Route 652) from Virginia A. Justis, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.9. APPROVAL OF STREET-NAME CHANGE

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved changing the name of "Waterford Lake Drive" extension to "Tredegar Lake Parkway."

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.10. REQUEST TO QUITCLAIM A FIFTY-FOOT DRAINAGE EASEMENT AND A TEMPORARY TURNAROUND EASEMENT ACROSS THE PROPERTY OF SAVAGE AND LENNON, INCORPORATED

On motion of Mr. Warren, seconded by Mr. Miller, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a

50-foot drainage easement and a temporary turnaround easement across the property of Savage and Lennon, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

The following items were removed from the Consent Agenda for Board discussion:

8.C.6.f. TO CONSIDER AMENDING THE PUBLIC FACILITIES PLAN, AN ELEMENT OF THE PLAN FOR CHESTERFIELD, RELATIVE TO SCHOOLS

Mrs. Humphrey stated she would prefer to hold the public hearing at the June 22nd meeting rather than the May 25th meeting. She expressed concerns as to whether the Board is ready to move forward with initiating a zoning application for a middle school site at this time.

Mr. Warren stated he would also prefer that the public hearing on the Public Facilities Plan be held on June 22nd because it is possible he may not be able to attend the Board meeting on May 25th.

Discussion ensued relative to when the public hearing would be held if the Board initiated zoning for a middle school site at this time.

Mr. Ramsey stated if the Board were to initiate the zoning today, the case could be double advertised and heard by both the Planning Commission and the Board of Supervisors at their May meetings. He noted there is no guarantee that the Planning Commission would make a recommendation at its May meeting. He further stated his recommendation would be to schedule the public hearing on the Public Facilities Plan and the middle school zoning case on the same date.

In response to Mr. Miller's question, Mr. Ramsey stated the Planning Commission acted on the Public Facilities Plan at its April 21, 2005 meeting, and it is now ready to be considered by the Board.

Mr. Miller inquired what impact a one-month delay on both issues would cause.

Mr. Ramsey stated he does not believe there would be a downside to delaying both of the issues until June.

Mr. Miller stated he has no problem with delaying the public hearings until June.

Mr. Warren made a motion, seconded by Mr. Miller, for the Board to set the date of June 22, 2005 at 7:00 p.m. for a public hearing for the Board to consider amending the Public Facilities Plan relative to schools.

Mr. Barber expressed concerns relative to delaying the Public Facilities Plan and the initiation of a zoning application

since both staff and Dr. Cannaday have asked the Board to move forward.

Mr. Ramsey stated it is staff's desire to get everything in order as quickly as possible so that construction can begin.

Mr. Barber expressed concerns that delaying the process could send a message to the citizens that the Board might be reconsidering the site or that opening of the middle school is not important. He noted the proposed middle school location has been agreed upon by the public bodies, advertised through the bond referendum, and voted on by the citizens. He stated the Board directed staff, in closed session, to move forward with acquisition of the subject property.

Mr. Miller stated his support of the motion is predicated on the possibility that Mr. Warren might not be able to attend the May 25th meeting, and he always tries to accommodate his colleagues. He further stated if staff were to demonstrate that delaying the issue for 30 days would make a substantial difference, then he could be persuaded otherwise.

In response to Mr. Barber's question, Mr. Micas stated the Board must act on each of the items individually.

Mr. Barber called for a vote on the motion of Mr. Warren, seconded by Mr. Miller, for the Board to set the date of June 22, 2005 at 7:00 p.m. for a public hearing for the Board to consider amending the Public Facilities Plan relative to schools.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.11. INITIATION OF A ZONING APPLICATION FOR MIDDLE SCHOOL SITE AT THE CENTERPOINTE PROJECT

Mrs. Humphrey requested clarification as to why the Board of Supervisors would be the applicant rather than the School Board. She stated the Public Facilities Plan and the zoning application for the middle school site are companion items and she would prefer to hold the public hearings on these two issues at the same time.

Mr. Ramsey stated the School Board cannot be the applicant because the Board of Supervisors will hold title to the property. He further stated every action taken by the public bodies has directed staff to move forward on this site, and initiation of the zoning application is a step that must be taken to grant the authority to build a school on the site. He stated staff believes it would not be wise to acquire the site and be obligated to pay for it without the authority to build a school on it.

In response to Mrs. Humphrey's question, Mr. Ramsey stated staff would prefer discussing details regarding the land acquisition in closed session. He further stated staff is confident that the site will be acquired by the county shortly after the Board acts upon the zoning request. He stated staff recommends that all approvals be in place for

the site prior to committing county resources to purchase the property.

In response to Mrs. Humphrey's question, Mr. Micas stated staff does not anticipate that zoning approval would have a material affect on the value of the property.

Mr. Warren stated the students who are shadowing him would like to ask some questions.

Ms. Lauren Riley inquired whether the proposed middle school site was identified in the bond referendum material and whether it was recommended as the first choice by the School Board.

Mr. Ramsey stated the site was identified in the bond referendum material. He further stated the School Board took formal action to identify this site for a middle school.

Ms. Ashley Jackson inquired what opportunities are being made to include the public in this process.

Mr. Ramsey stated the zoning process will result in two public hearings - one at the Planning Commission level and one at the Board of Supervisors level. He further stated the public had an opportunity to voice its opinion at the public hearing held before the Planning Commission to consider amendments to the Public Facilities Plan and will also have another opportunity when the issue comes before the Board.

Mr. Barber noted that elected bodies met and agreed on what would be presented in the bond referendum. He further stated the material was presented to the public, and 87 percent of the voting citizens supported the school proposal. He stated, if the Board were to manipulate the guidance provided by the citizens through the bond referendum, it would be doing a huge disservice to the public.

Mr. Miller made a motion, seconded by Mr. King, for the Board to initiate the zoning application as proposed.

It was generally agreed to hold the public hearing on the zoning application on the same date as the public hearing for the Public Facilities Plan amendments.

Mr. Barber called for a vote on the motion of Mr. Miller, seconded by Mr. King, for the Board to initiate a zoning application to amend Zoning Case 88SN0059 to allow Tax IDs 724-694-5390, 724-693-6630 and 726-695-Part of 3178 to be developed as a separate project from that portion of the remaining acreage originally zoned and not included in this request for the purpose of developing a middle school and/or other public facility.

And, further, the Board appointed Dr. Billy Cannaday, Jr. as the Board's agent for the zoning application.

Ayes: Barber, King and Miller.

Nays: Humphrey and Warren.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mr. Miller, seconded by Mr. Warren, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

11. DINNER

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend Paul Simrell, Associate Minister of Bon Air Christian Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Major Robert Clay, United States Army Reserves (Retired) led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

o RECOGNIZING THE MONACAN HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM FOR THEIR OUTSTANDING ACCOMPLISHMENTS DURING THE 2004-2005 SEASON AND FOR THEIR EXCELLENT REPRESENTATION OF CHESTERFIELD COUNTY

Mr. Hammer introduced Coach Natalie White, Assistant Coach Larry Starr and members of the Monacan High School Girls Varsity basketball team, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, participation in high school sports has long been an integral part of Chesterfield County's educational, physical, and emotional development for students; and

WHEREAS, Ms. Natalie White, coach of the Monacan High School Girls Varsity Basketball Team completed her eighth year of coaching at Monacan, and was named the Dominion District and the Central Region Coach of the Year; and

WHEREAS, under Coach White and Assistant Coach Larry Starr's direction, the 2004-2005 Monacan Chiefs finished with a perfect 21-0 regular season record and an overall record of 27-2; and

WHEREAS, the Chiefs were the Dominion District Regular Season Champions for the third consecutive year and the Central Region Champions for the second consecutive year; and

WHEREAS, the Chiefs were Quarterfinalists in the AAA State Girls Championships; and

WHEREAS, the team members include: Simone Boyd, Alli Davis, Courtney Dyer, Mandy Fernald, Sara Gibson, Amanda Glenn, Meredith Manwaring, Jamie McAllister, Audrey McCarty, Rachel Robinson, Carrie Saunders, Jennifer Saunders, Meredith Starr, Hanna Teachey, Jasmine Young, Loren Dyer, Robert Stowers, and Courtney Walker.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 27th day of April 2005, publicly recognizes the 2004-2005 Monacan High School Girls Varsity Basketball Team for its outstanding representation of Chesterfield County; commends the Chiefs for their commitment to excellence and sportsmanship; and expresses best wishes for continued success.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Coach White, accompanied by members of the basketball team, congratulated them on an outstanding season and wished them future success.

Coaches White and Starr expressed appreciation to the Board for the recognition and for the opportunity to work with this wonderful basketball team.

Mrs. Humphrey commended the young ladies on their excellent sportsmanship.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

Mr. Barber stated signs and posters are not allowed in the Public Meeting Room to demonstrate a particular position. He

reminded the public that comments are to be limited to the facts of the matter for each individual zoning case and that no disturbance will be allowed from within the audience while members of the public or Board members are speaking.

04SN0227

In Dale Magisterial District, GELLETTY & ASSOC. requests rezoning and amendment of zoning district map from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit use and bulk exceptions. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 166.4 acres fronting in four (4) places for approximately 4,500 feet on the north line of Courthouse Road, fronting approximately 1,250 feet on the east line of Doublecreek Court and also fronting approximately 6,600 feet on the south line of Route 288 and located in the northeast quadrant of the intersection of Courthouse Road and Doublecreek Court. Tax IDs 763-670-8636, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

Mr. Turner stated the applicant has withdrawn Case 04SN0227 from consideration.

On motion of Mr. Miller, seconded by Mr. Warren, the Board acknowledged withdrawal of Case 04SN0227.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0171

In Matoaca Magisterial District, TIMOTHY J. HAULER requests renewal of Conditional Use (Case 03AN0226) and amendment of zoning district map for a bed and breakfast and a special events business operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 14.5 acres and is known as 6100 Woodpecker Road. Tax ID 781-626-8240 (Sheet 41).

Mr. Turner stated Mrs. Humphrey has requested deferral of the request until July 27, 2005.

Mr. Miller stated he has several matters pending in the Chesterfield Circuit Court, declared a Conflict of Interest under the Virginia Conflict of Interest Act regarding this request, and excused himself from the meeting.

The Honorable T. J. Hauler stated the deferral is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred Case 05SR0171 until July 27, 2005.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to the meeting.

05SN0209

In Bermuda Magisterial District, KELLY BROD requests amendment to Conditional Use Planned Development (Case 84S149) and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 units per acre or less. This request lies in Residential (R-9, R-12 and R-15) Districts on 86.6 acres fronting approximately 250 feet on the north line of Ramblewood Drive, also fronting approximately 2,000 feet on the east line of Golf Course Road south of Old Bermuda Hundred Road and fronting approximately 2,200 feet on the southeast line of Old Bermuda Hundred Road approximately 800 feet south of East Hundred Road. Tax ID 812-651-7817 (Sheets 27 and 35).

Mr. Turner presented a summary of Case 05SN0209 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Ms. Kelly Brod stated the recommendation is acceptable.

Mr. King stated concerns have been expressed by adjoining neighbors, Mr. and Mrs. Ronnie Luck, regarding the location of the mobile office.

Discussion ensued relative to the location and quality of the temporary model home.

Ms. Brod stated the model home will be located near the golf course clubhouse. She further stated the modular unit will be very well landscaped and will be removed once the model home is complete.

Due to someone being present to speak to the request, it was moved to later in the agenda.

05SN0187

In Bermuda Magisterial District, ROADRUNNER ENTERPRISES INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 1.9 acres fronting approximately fifty (50) feet on the north line of Tipton Street approximately 180 feet east of Hill Street. Tax ID 799-635-Part of 2783 (Sheet 34).

Mr. Turner presented a summary of Case 05SN0187 and stated the Planning Commission and staff recommended approval and acceptance of one proffered condition.

Mr. Carl Adenauer, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 05SN0187 and accepted the following proffered condition:

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by an increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B & M)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05HP0233

In Midlothian Magisterial District, ELIZABETH C. CROXTON requests historic landmark designation and amendment of the zoning district map for the MORRISSETTE HOUSE. The request lies in residential and proposed historic areas, as suggested by the Comprehensive Plan. The Comprehensive Plan for this area does not provide a density for these areas. This request lies in a Residential (R-7) District and is known as 1400 Salisbury Drive. Tax ID 729-709-Part of 7243 (Sheet 5).

Mr. Turner presented a summary of Case 05HP0233 and stated the Historic Preservation Committee, the Planning Commission and staff recommended approval subject to one condition.

Ms. Elizabeth Croxton stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. Miller, the Board approved historic landmark designation for the Morrissette House structure and foundation, subject to the following condition:

The designated property shall be as follows:

Morrissette House structure and foundation located on the property known as Tax ID 729-709-Part of 7243 (Sheet 5).

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0246

In Bermuda Magisterial District, HENRY AND AGNES BRANKLEY request renewal of Manufactured Home Permit 98SR0237 to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.5 units per acre. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This property is known as 10514 Ramona Avenue. Tax ID 796-664-5325 (Sheet 26).

Mr. Turner presented a summary of Case 05SR0246 and stated staff recommends approval for seven years, subject to conditions.

Mrs. Agnes Brankley stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 05SR0246, subject to the following conditions:

1. The applicants shall be the owners and occupants of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0223

In Dale Magisterial District, CHESTERFIELD COUNTY HEALTH COMMISSION requests rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit nursing

home, child care center and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office uses. This request lies on 26.7 acres fronting approximately 150 feet on the west line of Government Center Parkway, also fronting approximately 1,200 feet on the east line of Courts Complex Road, also fronting approximately 1,300 feet on the south line of Courthouse Road and located in the southeast quadrant of the intersection of these roads. Tax IDs 769-665-Part of 9903; 770-664-Part of 6398; 771-665-Part of 3354 and Part of 3701; and 773-665-Part of 2523 (Sheets 17 and 25).

Ms. Jane Peterson presented a summary of Case 05SN0223 and stated the Board deferred the request from its March 9, 2005 meeting to allow time for the applicant to address the architectural treatment of the proposed development. She further stated that applicant has submitted an additional proffered condition, which requires that the multi-family structures be compatible with the Lucy Corr Nursing Home. She stated staff recommended denial because the proposed zoning and land uses do not comply with the Central Area Plan and the proposed single-family and two-family dwelling units are not in scale with the corporate office park image of the Courthouse Complex. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposed uses support the existing nursing home uses.

Ms. Carol Crosby, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. Miller stated the Board initiated the zoning at the request of the Health Center Commission. He further stated his concerns regarding the architectural treatment have been addressed.

Mr. Miller then made a motion for the Board to approve Case 05SN0223 and accept the proffered conditions, including Proffered Condition 15 relating to architectural treatment.

Mr. Barber seconded the motion made by Mr. Miller.

Mr. Barber then called for a vote on the motion of Mr. Miller, seconded by Mr. Barber, for the Board to approve Case 05SN0223 and accept the following proffered conditions:

The Owners and the Developer (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 769-665-9903 (part), 771-665-3354 (part), 773-665-2523 (part), 770-664-6398 (part), and 771-665-3701 (part) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-MF with a conditional use planned development (CUPD) is granted.

In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Zoning Plan. Parcels shall be located as generally depicted on the Zoning Plan, titled "Lucy Corr Village Expansion, Land Use Map," dated 1-04-04, but the location and size of the parcels may be modified provided the parcels generally maintain their relationship with each other and any adjacent properties. A plan for any such parcel adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
2. Master Plan. The textual statement dated February 17, 2005, shall be considered the Master Plan. (P)
3. Utilities. The public water and wastewater systems shall be used, except that public wastewater shall not be required for the model home for as long as it is used as a model or until such time that public wastewater with sufficient capacity is within 50 feet of the model home, whichever occurs first. (U)
4. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein. (B&M)
6. Cash Proffers. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$5,435.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2005. The \$5,435.00 for any units developed shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$230 for parks, \$402 for library facilities, \$423 for fire stations, and \$4,380 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$5,435.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement

Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County.

7. Open Space. At a minimum, the following Open Space areas shall be provided:

- A. A minimum fifty (50) foot buffer shall be provided along the south line of Courthouse Road. Within a linear distance of approximately 200 feet and beginning approximately 250 feet from Courts Complex Road, grading shall be permitted fifteen (15) feet into the buffer. A stormwater management facility may be located within this buffer. Except as stated herein, this buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522. (P)
- B. A minimum thirty (30) foot buffer shall be provided along Courts Complex Road. A stormwater management facility may be located within this buffer. Except as stated herein, this buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522. (P)
- C. A minimum 0.5 acre of open space shall be centrally located between the single-family and two-family dwellings and the multifamily building ("Central Lawn") and also accessible to the nursing home. The Central Lawn shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The exact location and design of the Central Lawn shall be approved by the Planning Department at the time of site plan review. (P)
- D. A minimum 1.0 acre of open space shall be centrally located within the Property ("Central Open Space") to provide a focal point as one enters the development. The Central Open Space shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. Less formal pedestrian paths, sidewalks, boardwalks, or trails shall be provided within the Central Open Space to link to the Central Lawn. The exact location and design of the Central Lawn shall be approved by the Planning Department at the time of site plan review; provided, however, that hardscaping of such paths or trails shall not be required nor shall this require a sidewalk around the perimeter of this Central Open Space. Additional features such as picnic tables, grills, shelters, and/or gazebos shall be permitted in the Central Open Space. (P)
- E. Sidewalks shall be provided on both sides of all rights-of-way along which dwellings front, except for the Central Open Space and the Central Lawn.

Sidewalks shall be provided on both sides of the boulevard entrance from Courts Complex Road. The exact treatment and location of the sidewalks shall be approved at the time of site plan review. (P)

F. Street trees shall be planted or retained along each side of all rights-of-way along which dwellings front. The exact location, spacing, species, and size of the trees shall be approved by the Planning Department at the time of site plan review. Street trees shall be planted or retained in the median of the boulevard entrance from Courts Complex Road. (P)

G. Trails shall be provided along Courts Complex Road and Courthouse Road and throughout the project for a total distance of approximately 5,000 linear feet. The exact design and location of these trails shall be approved by Parks and Recreation at the time of site plan review. (P & R)

8. Density. There shall be no more than 150 dwelling units developed on the Property. (P)
9. Building Materials. The facades of single-family dwellings and two family dwellings shall be constructed of brick, brick veneer, wood, vinyl siding, cementitious-type siding, composite siding, glass, stone, or EIFS. (P)
10. Garages. If provided, a minimum of fifty percent (50%) of the single-family dwellings garages shall be side entry. If provided, a minimum of fifty percent (50%) of the two-family dwellings shall have garages that are setback at least five (5) feet from the front face of the building. (P)
11. Driveways. Private driveways serving single family and the two family dwellings shall be "hardscaped." The exact design and treatment of driveways shall be approved by the Planning Department at the time of site plan review. (P)
12. Access. No direct access shall be provided from the Property to Courthouse Road. (T)
13. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement, and species of plantings. (T)
14. Road Standards. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be

designed and constructed to VDOT standards and taken into the State System. Setbacks from these public roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. (T)

15. The architectural treatment, to include materials, color and style, for multi-family structures shall be compatible with the development on Tax ID 771-665-3701 (Lucy Corr Nursing Home). The architectural style for single-family and two-family dwellings shall be similar to the elevations titled "Lucy Corr Village Traditional Cottage Plan", dated March 14, 2005, and "Lucy Corr Village Duplex Cottage Front Elevation", dated March 15, 2005, both prepared by SFCS Inc. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mr. Miller stated the public hearing scheduled by the Board relative to conveyance of county property to the Health Center Commission is a separate issue, and he does not want the motion for approval of the zoning request to be construed as to whether or not he will support the property donation.

05SN0146 (Amended)

In Bermuda Magisterial District, ROBBINS LANDSCAPING, INC. requests Conditional Use and amendment of zoning district map to permit a contractor's office and storage yard with retail sales in an Agricultural (A) District, plus Conditional Use Planned Development to permit exception to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 4.9 acres fronting approximately 260 feet on the south line of Kingsland Road, approximately 820 feet west of Dorsey Road. Tax ID 788-672-7956 (Sheet 18).

Mr. Robert Clay presented a summary of Case 05SN0146 and stated staff recommended denial because the requested uses do not comply with the Jefferson Davis Corridor Plan and the proposal represents encroachment into a residential area. He further stated the Planning Commission unanimously recommended approval and acceptance of the proffered conditions, indicating that the proffered conditions address all of the concerns expressed by area residents.

Mr. Dean Hawkins, representing the applicant, stated the proposed uses would be similar in nature to that of The Plant Man, which was located on the subject property many years ago. He further stated there will be no retail sales on the property; the office building will be residential in design; and the neighbors' concerns have been addressed. He requested the Board's support of the proposed development.

When asked, Mr. Hawkins stated The Plant Man operated under a Conditional Use as a retail-oriented business. He further stated the proposed uses would include office and equipment storage for a commercial landscape operation to have work done off site. He stated it is not a place where people

would be encouraged to come and purchase flowers or landscaping materials on a constant basis.

Mr. Turner clarified that The Plant Man operated a business from their home under a Special Exception rather than a Conditional Use.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated The Plant Man was located on the subject property long before the county had a land use plan. She further stated the proposal represents an opportunity to restore business to a facility that is still usable, and she will gladly support the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 05SN0146 and accepted the following proffered conditions:

1. This Conditional Use shall be granted to and for Leigh's Land, LLC, trading as Robbins Landscaping, Inc., exclusively and shall not be transferable nor run with the land. (P)
2. The uses permitted shall be limited to the following:
 - a. A landscaping contractor's office and storage.
 - b. In conjunction with the operation of a landscaping contractor's office and storage yard, retail sales of landscaping materials, to include but not necessarily be limited to, plant materials which are customarily used outdoors; mulch; fertilizer and other soil additives/treatments; and landscape pavers. Sales shall not include items such as pots, lawn ornaments and other similar goods typically sold at home retail centers. (P)
3. Uses shall not be open to the public between the hours of 9:00 PM and 6:00 AM. (P)
4. All structures shall have an architectural style compatible with surrounding area residential development. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. The exact treatment shall be approved by the Planning Department. (P)
5. The total gross square footage of buildings shall not exceed 7,000 square feet of which a maximum of 3,000 square feet being allowed the retail sales permitted by Proffered Condition 2.b. (P)
6. Any healthy trees having a caliper of four (4) inches or greater shall be maintained within fifteen (15) feet of the southern and eastern property boundary. This condition shall not preclude the removal of dead, diseased or dying trees. If dead, diseased or dying tree are removed, they shall be replaced with a similar species capable of reaching a comparable height of the species which it replaces. (P)

7. A maximum of one (1) freestanding sign, not to exceed four (4) square feet in area and five (5) feet in height, shall be permitted to identify this use. There shall be no other business signs permitted. (P)
8. Except for pedestrian scale and infrared activated security fixtures, there shall be no exterior lighting. (P)
9. All driveways and parking areas shall have a minimum surface of six (6) inches of No. 21 or No. 21A stone. (P)
10. Prior to any site plan approval, forty-five (45) feet of right-of-way on the south side of Kingsland Road, measured from the centerline of that part of Kingsland Road immediately adjacent to the property, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. Direct access from the Property to Kingsland Road shall be limited to one (1) entrance/exit, generally located towards the eastern property line. The exact location of this entrance/exit shall be approved by the Transportation Department. (T)
12. Prior to the issuance of a Certificate of Occupancy for any office use which exceeds a cumulative total of 2,000 gross square feet or for any development that includes retail sales, additional pavement shall be constructed along Kingsland Road at the approved access to provide left and/or right turn lanes, based on Transportation Department standards. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0209

In Bermuda Magisterial District, KELLY BROD requests amendment to Conditional Use Planned Development (Case 84S149) and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 units per acre or less. This request lies in Residential (R-9, R-12 and R-15) Districts on 86.6 acres fronting approximately 250 feet on the north line of Ramblewood Drive, also fronting approximately 2,000 feet on the east line of Golf Course Road south of Old Bermuda Hundred Road and fronting approximately 2,200 feet on the southeast line of Old Bermuda Hundred Road approximately 800 feet south of East Hundred Road. Tax ID 812-651-7817 (Sheets 27 and 35).

Mr. Clay presented a summary of Case 05SN0209 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Ms. Kelly Brod stated the recommendation is acceptable. She further stated she has spoken with Mr. and Mrs. Luck and will continue discussions with them regarding the exact location of the proposed driveway, taking public safety into account with the traffic patterns.

Mr. Barber called for public comment.

Mr. Ronnie Luck stated he would like to see the exact location of the entrance and inquired whether the request could be deferred.

Mr. George Emerson stated he has been assured by the applicant that the driveway will be located very close to the old parking lot, and he supports the request.

No one else came forward to speak to the request.

Mr. King stated he is satisfied that the applicant will do what Mr. and Mrs. Luck have requested.

Mr. Miller stated the applicant will be required to submit subdivision plans for the property and identify the location of the driveway. He further stated staff will ensure that Mr. and Ms. Luck's concerns are addressed and that they are notified so they can participate in the process.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 05SN0209 and accepted the following proffered conditions:

1. A temporary model home (sales office) shall be permitted in a modular office unit provided such unit shall be utilized for a maximum of two (2) years from the date of approval of this request. When no longer used as a model home (sales office), the modular office unit shall be removed. (P)
2. The model home (sales office) shall only be used to market the development (Cypress Woods) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)
3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)
4. The model home (sales office) shall be incidental to construction activity taking place within the development (Cypress Woods). (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0147

In Matoaca Magisterial District, BILL DUVAL requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for

residential use on 1-5 acre lots, suited to R-88 zoning. This request lies on 232.4 acres fronting in two (2) places for a total of approximately 1,220 feet on the east line of River Road, also fronting approximately 270 feet on the north line of Hickory Road and located in the northeast quadrant of the intersection of these roads; also fronting approximately 150 feet on the west line of Rowlett Road, approximately 1,750 feet north of Hickory Road. Tax IDs 756-626-7462, 758-628-6726; and 760-628-2105 (Sheet 40).

Ms. Darla Orr presented a summary of Case 05SN0147 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She noted the request complies with the Southern and Western Area Plan and addresses the impact on capital facilities.

Discussion ensued relative to the one-acre land donation, which will be used for future expansion of the Phillips Volunteer Fire Department.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey thanked the applicant for the land donation to allow for expansion of the fire department, as well as the landscaping being provided by the applicant.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to approve Case 05SN0147 and accept the following proffered conditions:

1. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
2. The maximum density of this development shall not exceed one hundred (100) lots. (P)
3. Manufactured homes shall not be permitted. (P)
4. A fifteen (15) foot tree preservation strip shall be maintained around the perimeter of the subdivision (this shall exclude the land to be dedicated to the County per Proffered Condition 6). This preservation strip shall be exclusive of setbacks. Utility easements and public

roads shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted herein. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)

5. Street trees shall be installed in the shaded areas generally as shown on Exhibit A and shall be subject to the requirements of the Zoning Ordinance Section 19-518 (h). In addition, an evergreen tree shall be planted within these areas generally every fifteen (15) feet and shall be a minimum of five (5) feet in height at time of planting. (P)
6. Prior to, or in conjunction with, recordation of the first subdivision plat, a minimum of a 100 foot wide strip of land along the western property boundary immediately adjacent to Tax ID 754-625-5188 shall be dedicated free and unrestricted to the County of Chesterfield. In conjunction with this dedication, drainage easements shall be granted to accommodate development of the dedicated land. (FD&EE)
7. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)
8. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
9. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
10. The lake on the property known as GPIN 760-628-2105 shall remain and the dam shall be retrofitted as approved by the department of Environmental Engineering. (EE)
11. No direct access shall be provided from the property to Hickory Road. Direct access from the property to River Road and to Rowlett Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. At time of tentative subdivision review, the Transportation Department may modify this condition to permit one (1) private driveway from the property to River Road. (T)
12. Forty-five (45) feet of right-of-way along the north side of Hickory Road and the east side of River Road, and thirty-five (35) feet of right-of-way along the west side of Rowlett Road, measured from the centerlines of that part of the roadways immediately adjacent to the

property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to any tentative subdivision approval, a phasing plan for this right-of-way dedication shall be submitted to and approved by the Transportation Department. This right-of-way shall be dedicated in accordance with the approved phasing plan or within sixty (60) days from a written request by the County, whichever occurs first. (T)

13. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along River Road and Rowlett Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - B. Widening/improving the east side of River Road, the north side of Hickory Road and the west side of Rowlett Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - C. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 13. a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department (T)
14. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 13, shall be submitted to and approved by the Transportation Department. (T)
15. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:
 - a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.

- b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
- c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.
- d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.
- e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.
- f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent, unless approved by the Architectural Control Committee in writing.
- g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds and trash, and generally free of any condition that would decrease the attractiveness of the property.
- h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.
- i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.
- j. An Architectural Control Committee (herein called "Committee") originally composed of William B. DuVal, Rene' D. McKinney and Gene DuVal is hereby established. Any two members of the Committee may

act on behalf of the Committee without holding a meeting of the full Committee or giving notice to the other members. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.

- k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony, of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.
- l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.
- m. The ground floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garages shall not be included in computing said square footage.
- n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.

- o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.
- p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.
- q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.
- r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee and as otherwise provided by applicable law. (P)
- s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.
- t. Manufactured Homes shall not be permitted. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0164

In Bermuda Magisterial District, WACHOVIA BANK, N. A., EXECUTOR UNDER THE WILL OF HAZEL B. COPLEY, requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use: corporate office and multifamily residential uses and for single family residential use of 1.01 to 2.5 units per acre. This request lies on 125.1 acres fronting approximately 2,200 feet on the north line of Iron Bridge Road approximately 400 feet west of West Hundred Road; and fronting approximately 700 feet on the south line of Iron Bridge Road approximately 700 feet west of West Hundred Road; and also fronting in two (2) places, for a total of approximately 600 feet, on the south line of Ecoff Avenue across from Ecoff Elementary School. Tax IDs 784-654-7098; 784-655-4291 and 9085 (Sheet 26).

Ms. Jane Peterson presented a summary of Case 05SN0164 and stated, in addition to Residential Townhouse development with a Conditional Use Planned Development to permit a mix of residential and non-residential uses, the applicant is also seeking a waiver to the street connectivity policy for relief from the requirement to connect to Elfinwood Road. She further stated the master plan divides the parcel into three tracts, and Tract A has been divided into three land bays. She stated uses in Tract C would be limited to Corporate Office O-2 uses; and Tract B could be Corporate Office uses, townhouses and detached single-family residential uses, provided that they are located a minimum of 300 feet from Route 10. She further stated Tract A has been divided into three land bays: Land Bay 1, which would be limited to detached single-family dwelling units occupied by persons 55 years or older with a minimum lot size of 5500 square feet, a minimum setback of 110 feet from the western property line, and a 70 foot buffer within the setback. She stated Land Bays 2 and 3 could be developed for townhouses or detached single-family units. She further stated staff recommended approval of the rezoning request subject to the applicant addressing concerns relative to connectivity and focal point areas. She noted the request complies with the densities recommended by the Chester Village Plan; addresses the impact on capital facilities; and provides superior development standards to those suggested by the Plan. She stated staff recommends that the size of the focal points be increased and does not support waiver of the street connectivity requirements. She stated the Planning Commission, on a three to two vote, recommended approval of the request, noting that it provides for superior development standards to the zoning suggested by the Plan; represents infill development; addresses traffic needs with the proposed dedication and construction of the north-south arterial; and addresses the impact on capital facilities. She further stated the Planning Commission unanimously recommended that the connectivity policy be waived, indicating that street connection between the two types of development would not be warranted.

In response to Mr. Miller's question, Mrs. Peterson stated the focal point is a provision of open space located in the project to provide an announcement to the entrance of a project. She further stated it is generally hardscaped for the purpose of a gathering space and providing a centrally located open space common area. She stated staff generally looks for a provision of at least three-quarters of an acre, noting that the applicant has proffered one-half acre minimum focal points.

Mr. Barber called forward Ms. Kitchen and Mr. Trammell to address the impact of the proposed development on schools.

Ms. Kitchen stated the proposed development would generate a total of approximately 111 students.

Mr. Trammel stated the Plan would allow for approximately 200 apartment units, 250 single-family homes and 150 multi-family units on the southern portion of the property, which would result in 204 students, based on the county's averages of school children per dwelling unit. He further stated this is an unacceptable amount of students. He stated, from the schools perspective, the proposed development is much better

than what could be developed on the property, based upon the recommendations of the Chester Village Plan.

Mr. King inquired whether Mr. Trammell anticipates any traffic issues at Ecoff Elementary School as a result of the proposed development.

Mr. Trammell inquired whether the Board could legally not allow any housing development on the property, or whether the zoning can be changed from R-12 to R-25.

Mr. Micas stated rezoning and reducing the density is considered downzoning and creates special problems. He further stated an individual downzoning is not favored by the courts.

Mr. Trammell stated the school system supports less residential development and more businesses for the tax base, resulting in less children in the school system. He further stated, if asked to compare what is possible under the current Chester Village Plan and the proposed development, the school system supports the proposed development because there will be a lot less students.

Mr. King inquired whether Mr. Trammell would rather see R-12 zoning with single-family dwellings or what is being proposed.

Mr. Trammell stated he has indicated to all Board members that he does not want to see any additional apartments because they drain the county's resources. He further stated he would prefer residences as opposed to apartments.

Mr. King inquired whether Mr. Trammell would classify individually owned townhouses with restrictive covenants as apartments.

Mr. Trammell stated the school system would prefer individually owned townhouses with restrictions on the number of bedrooms to single-family dwellings because the projected number of students would drop from 204 to 111.

In response to Mr. King's question, Mr. Trammell stated there is no question from a school perspective that the proposed development is much better than what the Plan would allow on the subject property.

Mr. Warren expressed appreciation to Mr. Trammell for acknowledging the impact of residential development on the school system.

In response to Mr. Warren and Mr. Miller's questions, Mr. Trammell stated the proposed development would offer a more acceptable solution to school impact issues than what would be allowable under the Chester Village Plan. He noted that one of the projects approved in the bond referendum was renovation of Ecoff Elementary School, which would provide 100 to 160 additional seats. He stated, with the additional capacity, the school could accommodate students from the proposed development, but not from a project that would be allowable under the Plan.

Mr. John Easter, representing the applicant, stated, in addition to large community meetings, the applicant also held smaller meetings with immediate adjacent property owners, and the proposal was modified to add age-restricted single-family homes in response to concerns expressed by adjacent property owners. He provided details of the proposal, including office development south of the creek and progressing to residential development north of the creek, to include single-family cluster homes with a minimum of 2,100 square feet; townhouses with a minimum of 1,700 square feet; and townhouses with a minimum of 1,500 square feet.

Discussion ensued relative to what potentially could be allowed under the Chester Village Plan on the subject property.

In response to Mr. Miller's question, Mr. Easter stated multi-family would not be allowed under the current request. He further stated, although the applicant acknowledges that the proposal does not meet the 12,000 square foot lot minimum recommended by the Plan, it is important to note that the proposal offers a quality design; minimum dwelling sizes of 2,100, 1,700 and 1,500 square feet; building materials of at least 50 percent brick or stone; 50 percent of garages side or rear loaded; sidewalks on both sides of the road; enhanced crosswalks on Route 10, subject to Virginia Department of Transportation (VDOT) approval; street trees; and enhanced landscaping.

Mrs. Humphrey stated she doubts VDOT will allow paved crosswalks on Route 10 and inquired whether the developer considered providing paved crosswalks across Ecoff Avenue.

Mr. Easter stated crosswalks along Ecoff Avenue were not specifically discussed, and noted the applicant does not own all of the property that would accommodate a connection to the school. He further stated the applicant has agreed to place a sidewalk from the north-south road along the Ecoff Avenue frontage that would start a connection, and if the adjacent property were to be sold or redeveloped, the connection could be completed and a crosswalk provided. He continued to review amenities that make the proposal a quality design, including 50- and 70-foot buffers; a 110-foot setback off the property lines of Lakewood Farms; four acres for open space/recreation area, with a one-half-acre focal point in each of the three land bays. He stated it is difficult to provide a three-quarter-acre focal point in each of the land bays; therefore, the applicant has agreed to provide four acres overall, which actually surpasses the acreage required by staff. He stated the applicant has agreed to provide paved driveways; specialized design for the office portion of the development; restrictive covenants; and a limited number of bedrooms and units in the townhouse groups.

Mr. Miller expressed concerns relative to the possibility of modifying restrictive covenants after they have been recorded.

Mr. Easter stated the developer believes the quality enhancements being provided will guarantee a good development. He further stated the architectural treatments of the office portion of the development will be compatible

with either the Old Stage Office Building or Chester Medical facility. He provided a comparison of traffic that will be generated by the proposed development with a potential single-family development on 12,000 square foot lots, indicating that 1,380 trips per day will be generated by the residential portion of the property as opposed to 1,700 trips per day for single-family development. He stated the proposed development would generate approximately 42 school-aged children, as opposed to 90 for a single-family development on 12,000 square foot lots, noting that he did not take into account the potential for development of multi-family units on the southern portion of the property. He stated the applicant is still paying the full cash proffer, although the development will be generating only half the number of students.

Mr. Miller expressed concerns relative to converting the townhouses for sale to rental units and not restricting the age on the single-family cluster development.

Mr. Easter stated the applicant has proffered a condition that restricts age on some of the single-family homes. He further stated he knows of no way to keep an individual who purchases a townhouse from renting the unit. He stated the townhouse definition is based on individual units on connected lots, not necessarily whether they are owner occupied or rental.

Mr. Micas stated there are significant legal issues for attempting to control the rental of dwelling units through zoning, and staff would not recommend this.

Mr. Easter stated the developer has no intention of selling the townhouses as rental units. He further stated benefits of the proposed development, as opposed to the potential under the Plan for 12,000 square foot lots, include the same density; less traffic; less school children; minimum dwelling sizes; buffers and setbacks; design standards and amenities; and limits Route 10 development to office use with design standards. He then addressed the connectivity issue, stating that connectivity to Elfinwood Road is not necessary because there is adequate dispersal of ways out of the proposed development; there are three ways out of the existing Lakewood Farms/Buxton development; and there are 54 lots with a single entrance, which is just barely above the Fire Department's 50-lot maximum.

Mr. Barber called for public comment.

Mr. Muddappa Rangappa, a resident of Lakewood Farms, provided the Board with a petition signed by 43 residents requesting that the requirement for connection from the proposed development to Lakewood Farms be waived. He stated there are three major connections proposed for the property, and it would take much more time to maneuver fire trucks through Lakewood Farms to reach the property than it would to enter the proposed development from Route 10.

Mr. Raymond Hevenner, Sr. stated he believes property rights are paramount. He further stated he believes the residents would be far more dissatisfied if the property were developed with what is allowed under the Chester Village Plan than with the proposed development. He suggested that the Board

support the proposed development, indicating that he believes it has been researched diligently.

Mr. George Emerson expressed concerns relative to the need for affordable housing in the county for older residents and younger people who are trying to get started.

Ms. Phyllis Bass expressed concerns that the developer has not addressed the existence of wetlands. She requested that the Board either deny the request or defer it for 90 days to allow time to amend the current Plan. She stated the proposed development does not conform with current or future Chester Village Plans, which calls for no additional multi-family housing. She expressed concerns relative to the number of multi-family homes in the vicinity of the proposed development. She stated the majority of the citizens are adamantly opposed to the rezoning request, and approximately 150 people who were present at the meeting stood in opposition to the request.

Mr. King stated everyone agrees there are too many apartments in Chester.

In response to Mr. King's question, Ms. Bass stated she did not support the three-story apartments being built adjacent to the Copley tract.

Mr. King stated Planning Commission minutes reflect that Ms. Bass was the only speaker during the zoning case relative to the three-story apartments, and she supported the development.

Mr. Dave Young stated he does not believe it is a good idea to open up a new street directly across from Ecoff Elementary School. He expressed concerns relative to capacity and enrollment issues at elementary, middle and high schools in the vicinity of the proposed development. He stated he believes the Board should look at the impact of development on schools collectively, rather than one project at a time. He suggested that the county adopt a strategy for population control and management.

Mr. Jim Althouse, a resident of Rolling Brook Road since his retirement from military service, stated he was attracted to Chester because of the ability to drive through it unimpeded. He further stated Chester is the eastern gateway to the heart of Chesterfield County and inquired why the county would clog this gateway with additional traffic. He referenced the Chester Village Plan and stated plans that are not flexible are doomed to failure. He stated it is obvious that the Plan should be changed. He expressed concerns that, although many citizens voiced their opposition to the proposal, the Planning Commission recommended approval. He requested that the Board not ignore its constituents and deny the request so that Chester does not expand out of control.

Ms. Angela Kruckel, a senior at Thomas Dale High School, expressed concerns relative to crowded conditions in the schools. She stated she views townhouses as expensive apartments and would prefer to see homes and neighborhoods in the county rather than apartments.

Mrs. Pat Hubbard-Parham expressed concerns relative to the erosion of Great Branch Creek because of area development. She stated she feels the proposal represents too much development for the amount of wetlands on the property, indicating that too much drainage and high-density development would damage this very fragile creek.

Ms. Kathy Geary, a resident of Ivywood Road, expressed concerns relative to additional traffic on Ecoff Avenue as well as overcrowding of schools.

Dr. W. Robert Floyd, a resident of Chester Village since 1968, stated he has devoted countless hours to serving his community. He further stated the most important thing the Board must deal with is not numbers and figures and highways, but citizens' trust. He expressed concerns relative to the true ownership of the Copley property and the lack of coordination with the Army Corps of Engineers regarding wetlands on the property. He requested that the Board deny the rezoning request because the proposal does not adequately address wetlands, overpopulation or transportation and violates the Chester Village Plan and the express will of the Chester residents. He expressed concerns that the Bermuda District Planning Commissioner Jack Wilson indicated that single-family homes are not an option, and stated the residents feel they have not been well served.

Mr. Tim Dirr, a lifelong resident of Chester, expressed concerns relative to personal attacks at community meetings on Mr. Jack Wilson and Mr. King, indicating that they are malicious and without merit. He stated citizens knew before electing Mr. King that he was principled in property rights, and they should not expect him to yield to the attempt of mob rule. He further stated he believes the Board has been honest and fair and is applying smart growth.

Ms. Judy Stoneman expressed concerns that the Army Corps of Engineers has mapped the wetlands on the subject property differently than those presented by the developer. She stated at least 55 acres of the property is not currently usable, and she believes this is a major issue that needs to be resolved before determining what can be developed on the property. She expressed concerns that meetings were held with residents of Lakewood Farms that did not include the Ecoff Avenue residents, and that the project includes a 110-foot buffer to the homes on Teterling Road and only a 50-foot buffer to the homes on Ecoff Avenue. She stated the Chester Village Plan calls for same-like structures as currently exist. She expressed concerns that conditions were added on the same day as the Planning Commission's hearing of the case, with no citizen input. She stated she does not believe the proposed development will benefit the residents of Chester.

Ms. Michelle Rayman, a student at Thomas Dale High School, expressed concerns relative to a road connection from the proposed development to Elfinwood Road in Lakewood Farms; overpopulation of schools; and additional traffic. She stated townhouses will result in a larger number of residents than single-family homes, and this will further add to the issue of overpopulation in general. She further stated Chester is a beautiful environment with great people, and she hates to see the public so upset about the way things are

changing. She stated she does not believe the public has really been heard.

In response to Mr. Barber's question, Ms. Rayman stated she heard about the zoning case from a friend.

In response to Mrs. Humphrey's question, Ms. Rayman stated she plans to return to Chester after college and would like to have affordable housing.

In response to Mr. Warren's question, Ms. Rayman stated she believes the current residents should have a voice about what should be developed around their homes. She agreed with Mr. Warren that residents should have the right to protect their property and have a good quality of life.

Mr. Bill Sheldon, a Chester resident, stated he does not support mass development and, although he would like Chester to remain a quaint little place, this is a selfish attitude because he cannot deny other people moving into the community in order to get a piece of what he has. He further stated he believes the proposal represents a quality project that will provide balanced growth.

Mr. Ralph Jones, a resident of Lakewood Farms, expressed concerns relative to imbalance of the tax base ratio of the commercial industry versus residential in the county, indicating that he believes at least one-third of the tax base should result from commercial industry. He expressed concerns that wetlands on the property have not been addressed and that the Chester Village Plan is under revision, and stated he believes additional homework needs to be done before a decision is made on this request.

Mr. Tom Bass, a lifelong resident of Chesterfield County, stated he is one of the 50 "unidentified owners" of the subject property. He further stated the owners have a right to sell their property in accordance with county ordinances. He stated, when the county acquired a sewer easement on the property in 2001, the property was assessed in excess of \$500,000, indicating that the assessment clearly was based on development of the property.

Mr. Charlie Yonce, a former resident of Chesterfield, stated he and his mother are also owners of the property. He requested the Board's approval of the request.

Ms. Linda Butler, an owner of the subject property, stated she believes the project will be good for the county and requested the Board's approval.

Ms. Debbie Girvin, President of the Chesterfield County Chamber of Commerce, stated the Chamber supports well-planned blended growth throughout the community.

Ms. Marleen Durfee, Executive Director of the Task Force for Responsible Growth, stated the task force recommends deferral of the request until the Chester Village Plan has been revised. She further stated it is paramount for the Board to protect the health, public safety and welfare of its citizens. She stated the citizens have spent a great deal of time making recommendations for this Plan, indicating that they want development to conform to Plan densities or provide

transition to existing development and they do not want multi-family development. She expressed concerns that the proposed development does not represent what the community wants or needs. She questioned the need for new townhouses and stated there are no guarantees to keep them from turning into a multi-family situation. She expressed concerns relative to compromising of the open space requirement. She stated it is unfair to provide 110 feet of buffering on one side of the development and only 50 feet on the other side. She expressed concerns relative to the negative attitude towards single-family development of the property, indicating that single-family is only a problem when too many units are approved. She stated she believes the proposal represents the wrong design in the wrong place at the wrong time. She further stated development on this property could be a lot better, and the Board must be willing to listen to the citizens and understand their concerns.

Mr. Bonds Agnew, a resident of the Gay Farms Subdivision, stated he believes this meeting is premature and a waste of time if a complete study has not been made of the wetlands and endangered species on the subject property during dry and wet conditions.

Mr. Roger Habeck, a resident and business owner in Chester, stated developers design proposed land uses, not the Board of Supervisors; therefore, the Board must deal with projects that are brought to them by developers. He further stated it is important for citizens to understand that issues such as the placement of dwelling units and roads, number of possible units, and wetlands are all determined during the site plan process rather than at the time of zoning. He stated it is the county's responsibility to inform the citizens regarding the chronology of the process. He further stated land use plans are merely a list of preferences, and he has never seen a plan survive more than three months before it starts to be modified. He stated the developer has brought a proposal forward, listened to the citizens and made a tremendous number of changes. He further stated if the zoning request is approved, the citizens will have another opportunity for input during the site planning process when most of the issues raised tonight will be addressed. He stated people want smart growth, and noted the 30 percent increase in assessments indicates there is a shortage of houses. He further stated if \$200,000 is the cost of a starter home in the county, then developers need to get started building more affordable houses. He stated the proposed development offers a lot of variety, and there is a need for additional age-restricted housing in the county. He further stated townhouses are not multi-family housing - they are single-family residences. He stated the proposed development will clearly improve traffic in the area rather than making it worse by providing a major thoroughfare to Route 10. He further stated the Board cannot stop development, but it can steer it, acquire money for infrastructure, and offer incentives for growth in areas that are not so concentrated. He stated Chesterfield is a beautiful community with good schools and a healthy economy, and people are going to move here. He further stated it is important for the Board to approve the best designed projects whenever possible to get the most for the community out of the process.

There being no one else to speak to the request, the public hearing was closed.

Mr. John Easter provided details of projects approved through the bond referendum on the high school, middle school and elementary school levels in the vicinity of the proposed development. He stated neither Ecoff Avenue nor Route 10 has a transportation capacity issue. He further stated wetlands will be addressed during the site plan process, and the unit numbers will decrease if necessary as a result of wetlands. He stated a proffered condition requires that less runoff be released from the property after development than prior to development, thus the drainage issue should improve. He further stated the age-restricted homes were added to the proposal as a result of concerns expressed by adjacent property owners. He stated the applicant offered to meet again with Ecoff Avenue residents after the Planning Commission meeting to address any remaining concerns, and no one chose to do so. He further stated zoning decisions should be made based on principles rather than numbers, and stated he believes this project is actually better than what is called for in the Chester Village Plan.

In response to Mr. Warren's inquiry regarding Mr. Easter's view on whether the project represents the wrong design in the wrong place and does not represent smart growth, Mr. Easter indicated that he disagrees. He stated there will be a large portion of open space because of the amount of clustering and wetlands; development will be concentrated in the center of the property; and the appearance will be buffered from existing residential development. He stated he believes it represents the right development in the right place, indicating that density is a good thing and prevents sprawl when projects are done correctly.

Mr. Barber stated it is clear to him that the proposal represents marked improvements when addressing the issues raised by the citizens compared to what could be proposed under the Plan.

Mrs. Humphrey stated the county imposed a large fee upon the Copley Estate as a result of the sewer assessment district necessary to provide sewer to Community High School, thereby triggering the need for the family to deal with the property. She expressed concerns that the developer will have to deal with significant wetlands.

In response to Mrs. Humphrey's question, Mr. Turner stated a sign will be posted and notice sent to adjacent property owners on the commercial portion of the property during the site planning process. He further stated, during the tentative subdivision process on the residential portion, signs will be placed on the property.

Mr. Easter stated the applicant has also proffered a condition to provide notice to specific property owners in Lakewood Farms regarding the tentative subdivision process. He further stated the applicant would agree to provide notice to all adjoining property owners.

Mr. King apologized to Mr. Meade Conyers, who was present at the meeting, for not meeting him to view the animals that live on the subject property. He further stated that, other

than not meeting Mr. Conyers, he has done everything he could and honored all of his commitments. He stated his campaign promises structured around property rights. He requested that citizens seek the truth by reviewing the facts and not accepting gossip and hearsay and expressed concerns that both he and Mr. Jack Wilson have been treated grossly unfair by the citizens. He stated the Bermuda District School Board member supports the project over what could be built under the Plan, and the same issues with school overcrowding exist today as they did in 1954 when he attended the first grade at Chester Baptist Church. He further stated both the Planning Commission and staff has recommended approval. He expressed concerns that 200 rental units would be allowed under the Plan, indicating that they have been replaced with offices that will provide jobs for the citizens. He stated Mr. Wilson has crafted additional buffers for the adjacent property owners who will be most impacted by the proposed development. He further stated the developer has considered the concerns of those who have worked most closely with the Chester Village Plan, by adding sidewalks on both sides of the street and green space. He stated the townhouses will cost no less than \$200,000 and will have restrictive covenants. He further stated the county's consideration for waiving connectivity does not violate ordinances, but offers an opportunity to honor the neighbors' requests. He stated, regardless of how it is being portrayed, smart growth is being applied and the proposed development represents a better project than the Plan calls for.

Mr. King then made a motion, seconded by Mr. Barber, for the Board to approve Case 05SN0164 and accept the proffered conditions.

Mr. Barber stated he would prefer to vote on the issue of connectivity before voting on the zoning case. He further stated he typically does not support waiver of connectivity, but in this case, a thoroughfare road is being built that does a better job of connectivity than the simple stub road might have done from one subdivision to another.

On motion of Mr. King, seconded by Mr. Barber, the Board approved the request for waiver to street connectivity requirements for Case 05SN0164.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller stated it is clear to him that this project is better than what could have been proposed. He further stated he appreciates the sincere feelings of the community; however, the Board cannot subject a person's property rights to the will of the majority opposed. He stated the proposed development has been well crafted with a stringent set of proffers and conditions, and he will support the motion.

Mr. King clarified that the intent of his motion for approval was to include conditions as well as proffered conditions.

Mr. Barber called for a vote on the motion of Mr. King, seconded by Mr. Barber, for the Board to approve Case 05SN0164 subject to the following conditions:

1. Driveways. Within the residential portion of the Property, all private driveways shall be hardscaped. Within Land Bay 1, all lots shall have driveways paved with concrete, cast concrete, or brick pavers, and each driveway shall have a minimum length of 18 feet. (P)
2. Restrictive Covenants. The following provisions shall be contained in restrictive covenants that shall be recorded for the Single Family Dwelling units within Land Bay 1:
 - a. No lot shall be used except for single-family purposes, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
 - b. No buildings, sheds, decks, or any other type of obstruction (e.g., dog pens, bench, table) shall be erected or placed in the 70 foot buffer area adjacent to Teterling Road and Karma Road.
 - c. No dumping of trash will be permitted in the 70 foot buffer area.
 - d. Screening around the back of the homes will provide complete visual separation of outside storage, or trash collection storage areas so as not to be seen by adjoining Teterling Road and Karma Road residents.
 - e. Only one residence shall be erected or placed on a single lot.
 - f. Except as otherwise provided by applicable law, no antenna, aerial or device of any kind used for the purpose of transmitting or receiving radio, television, microwave or satellite signals shall be placed or erected on any lot or on the exterior of any residence or any other building or structure thereon so as to be seen by Teterling Road and Karma Road residences.
 - g. No clothes line or other clothes drying apparatus shall be permitted.
 - h. No nuisance, obnoxious, or offensive activities shall be permitted to exist or operate upon any portion of any property so as to be determined to or interfere with any other property in the vicinity thereof or to its occupants.
 - i. No lot shall be used or maintained as a dumping ground for rubbish, trash, or garbage. Nor shall any of the above be kept on any lot except in sanitary containers, in the rear of the yard. The containers must be screened from the view of the adjacent Teterling Road and Karma Road residents.
 - j. Utility storage sheds or tool sheds shall have an

exterior texture and color that matches the exterior texture and color of the residence on said lot and must be attached to the residence.

- k. No chain link fences shall be permitted. (P)
3. Design Elements in Land Bay 1. Within Land Bay 1, all dwellings shall meet the following design requirements:
- a. At least one of the following design elements shall be incorporated into the design of the homes: quoin treatment, soldier courses of brick, keystones, capstones, ornamental windows, ornamental louvers, dormers, pediments shutters, columns, or variations in front facades such as bays, stoops, or gables.
 - b. Roofs shall be constructed of 25-year dimensional shingles, grand manor shingles, copper, or standing seam metal roofing; and
 - c. All dwellings shall have covered front entry porches; porch railings shall be metal, aluminum, or PVC; and porch foundations and/or floors shall be brick, stone, pavers, stamped concrete, or exposed aggregate. (P)
4. Access to Route 10. Prior to issuance of a building permit for any dwelling unit, access from such unit to Route 10 shall be provided via the North/South Collector. (T)
5. Sidewalks. Sidewalks shall be provided along both sides of all streets internal to the residential development, along the property line adjacent to Route 10, along one side of the proposed residential collector road running from Route 10 to Ecoff Avenue, and along the south side of Ecoff Avenue across Tax ID 7846554291. A pedestrian path that is open to the public shall also be provided by the Developer generally along the other side of the collector road running from Route 10 to Ecoff Avenue. The exact treatment and location of these sidewalks and the pedestrian path shall be approved by the Planning and Transportation Departments at the time of site and/or subdivision plan review. (P&T)

And, further, the Board accepted the following proffered conditions:

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself (the "Applicant") and for its successors or assigns (the "Developer"), proffers that the property under consideration (the "Property") will be developed by the Developer according to the following proffers after approval by the County of any required plat or permit, and if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant and developed as hereinafter provided. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement, dated March 9, 2005, and the Zoning Plat prepared by The Engineering Groupe, Inc., dated February 23, 2005 (the "Zoning Plat"), shall be considered the Master Plan. The exact location and size of the tracts shown on the Zoning Plat may be modified, provided that:
 - a. Corporate Office (O-2) uses shall only be permitted on those portions of the Property located south of the east-west trending swale shown on the Zoning Plat, and shall not exceed 30 acres; and
 - b. Residential Townhouse (R-TH) and detached single family dwelling uses, as well as accompanying recreation areas and model home, shall not be permitted within 300 feet of Route 10. (P)
2. Public Water and Wastewater: Public water and wastewater systems shall be used. Prior to the approval of any site, or tentative subdivision, plan for the Property, an overall water and wastewater plan for the entire site shall be submitted for review and approved by the Utilities Department. The overall plan shall include the following water lines:
 - a. a sixteen (16) inch water line along the north side of Iron Bridge Road for the entire road frontage of the Property; and
 - b. a twelve (12) inch water line along the proposed on-site "collector road" to loop the aforementioned sixteen (16) inch water line with the existing twelve (12) inch water line along Ecoff Road.

In the event the Developer is unable to acquire any offsite easements necessary for these water lines, the Developer may request, in writing, the County to acquire such easements as public improvements. All costs associated with any such acquisition by the County shall be borne by the Developer. In the event the County chooses not to assist in acquisition of such offsite easements, the Developer shall be relieved of the obligations imposed under this paragraph and shall provide the improvements that can be constructed within available easements. (U)
3. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Maximum Density. The maximum density of dwellings to be constructed on-site the Property shall not exceed 2.5 units per acre for that portion of the property devoted to residential development. (P)
5. Minimum Dwelling Size. The minimum gross floor area for dwelling units in Land Bay 1, as shown on the Zoning Plat, shall be 2,100 square feet; the minimum gross floor area for dwelling units in Land Bay 2 shall be

1,700 square feet; and, in Land Bay 3 and Tract B, at least fifty (50) percent of the units shall have a minimum gross floor area of 1,700 square feet, and the remaining units shall have a minimum gross floor area of 1,500 square feet. Any lot on which a dwelling unit having less than 1,700 square feet gross floor area may be located shall be so designated on the subdivision plat. (P)

6. Building Materials. Dwelling units shall be constructed with materials as follows:
 - a. The exposed portion of each exterior wall surface (front, rear and sides) of any building, excluding windows, doors, breezeways, other architectural design features, and rooftop screening materials for mechanical equipment, shall be brick veneer, stone veneer, vinyl siding, fiber-cement siding, EIFS, or a combination thereof.
 - b. The visible portions of exterior building foundations shall be constructed of brick or stone veneer.
 - c. At least fifty (50) percent of the front façade of each principal building and any end facing a parking area or public or private road of each principal building, excluding the foundations, shall be brick or stone veneer. (P)
7. Drainage. Stormwater facilities shall be designed so that the 10-year post-development storm is retained on the Property and released at the 2 year pre-development rate. (EE)
8. Garages. Within each portion of the Property designated for townhouses, a maximum of fifty (50) percent of garages shall be front-loaded. Within each portion of the Property designated for detached single family dwellings, all dwellings shall have, at minimum, a one-car garage containing a minimum of 200 square feet in area, and the visual impact of garage doors facing the street shall be minimized through the use of architectural fenestration, dimensional textures, location, and/or orientation. (P)
9. Age Restricted Units within Land Bay 1. Dwelling units in Land Bay 1 shall be age restricted and shall meet the requirements for "age 55 and older housing", as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning (hereinafter "Age-Restricted Units"), and shall be subject to the occupancy requirements that no person under 19 shall reside in each unit. (B&M)
10. WITHDRAWN
11. Enhanced Crosswalks. Subject to approval by VDOT of traffic signalization of the intersection of Route 10 and the North/South Collector and of the installation of enhanced pedestrian crosswalk(s) across Route 10 at that

intersection, the Developer shall be responsible for constructing such enhanced crosswalk(s) across Route 10 at that intersection at such time as the traffic signal is installed. The enhanced crosswalk(s) shall be composed of stamped concrete, stamped asphalt, or such other material as may be approved by VDOT, and the exact location and design of such crosswalk(s) shall be approved by the Transportation Department. (T)

12. Street Trees. Within the residential portion of the Property, street trees shall be planted along each side of the interior roads. If existing trees are maintained, they may be counted toward this requirement. (P)
13. Landscaping. Within the residential portion of the Property, landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at time of tentative subdivision review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement, and species of plantings. (P)
14. Buffers. A fifty (50) foot buffer shall be provided adjacent to all Agriculturally zoned (A) property and a seventy (70) foot buffer shall be provided along the western line of the Property, as shown on the Zoning Plat. Such buffers shall comply with Sections 19-520 through -522 of the Zoning Ordinance excluding Sections 19-521(h) and (i), except that, within the seventy (70) foot buffer, fencing and pedestrian walkways shall not be permitted and no trees measuring three (3) inches or greater in caliper shall be removed unless such tree(s) are dead, diseased or dying. All buffers required by this proffered condition and by Ordinance shall be recorded as open space. (P)
15. Building Setbacks. All buildings shall be a minimum of one hundred ten (110) feet from the western line of the Property adjacent to the Lakewood Farms Subdivision. (P)
16. Open Space/Recreation Area. Open space/recreation area shall be provided for each Land Bay of the residential portion of the development, to provide a "focal point" in the vicinity of one entry to each Land Bay. The focal point for the benefit of each Land Bay shall be a minimum of 0.5 acres, and part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The total area devoted to active and passive recreation within the residential portion of the development shall be a minimum of four (4) acres and shall include a clubhouse area, with a minimum of 1.5 acres. The clubhouse building and its related amenities shall be developed concurrently with the first phase of residential

development. The clubhouse building and its adjoining active recreational facilities shall be located a minimum of 500 feet from the property line adjacent to the Lakewood Farms subdivision. The exact design and location of the focal points and clubhouse area shall be approved by the Planning Department at the time of tentative subdivision review. (P)

17. WITHDRAWN

18. Notification. The Developer shall be responsible for notifying by registered, certified or first class mail the property owners of record with the Department of Real Estate Assessment for Tax IDs 7836532734, 7836533256, 7836533869, 7836534383, 7836543898, 7836543986, 7836544073, 7836544242, 7836544255, 7836544430, 7836544517, 7836544605, 7836551958, 7836552574, 7836553141, 7836553524, and 7836553711 of the submittal of any Tentative Subdivision Plan or any amendment to Case 05SN0164. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The Developer shall provide the Planning Department with evidence that such notice was sent. (P)

19. Recreational Area Hours. No outdoor recreational areas shall be open for use between the hours of 11:00 PM and 8:00 AM. (P)

20. Transportation Dedications.

a. Prior to any site plan approval or in conjunction with recordation of the initial subdivision plat, whichever occurs first, one-hundred (100) feet of right-of-way on both sides of Ironbridge Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

b. Prior to any site plan approval or in conjunction with recordation of the initial subdivision plat, whichever occurs first, a seventy (70) foot wide right-of-way for a north/south collector (the "North/South Collector") from Route 10 to Ecoff Avenue, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

21. Access.

a. Vehicular and pedestrian access from the Property to Elfinwood Road shall be prohibited.

b. Direct access to Route 10 from the part of the Property located on the north side of Route 10 shall be limited to the North/South Collector and two (2) entrances/exits. The North/South Collector shall align a new crossover on Route 10, subject to VDOT approval of such crossover. All entrances/exits shall be limited to right-turns-in

and right-turns-out only. The exact location of these accesses shall be approved by the Transportation Department.

- c. Direct access to Route 10 from the part of the Property located on the south side of Route 10 shall be limited to one (1) entrance/exit. This access shall align with a new crossover on Route 10, subject to VDOT approval of such crossover. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval for any development on the south side of Route 10, an access easement, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of this access with adjacent properties.
 - d. Direct access to Ecoff Avenue from the Property shall be limited to the North/South Collector. The exact location of this access shall be approved by the Transportation Department.
 - e. Prior to any tentative subdivision or site plan approval, whichever occurs first, an access plan for the North/South Collector shall be submitted to and approved by the Transportation Department. Access for the Property shall conform to the approved access plan. (T)
22. Public Roads. In residential tracts, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
23. Road Improvements. To provide an adequate roadway system, the Applicant/Developer shall be responsible for the following, subject to approval by VDOT:
- a. Construction of an additional lane of pavement along the westbound and eastbound lanes of Route 10 for the entire Property frontage.
 - b. Construction of additional pavement along the westbound and eastbound lanes of Route 10 at each approved access to provide separate right turn lanes, if warranted based on Transportation Department standards.
 - c. Construction of a new crossover on Route 10 to include adequate left turn lanes along both the westbound and eastbound lanes of Route 10. The design and location of these improvements shall be approved by the Transportation Department.
 - d. Construction of a two-lane road for the North/South Collector based on VDOT Urban Collector Standards (40 MPH), with modifications approved by the Transportation Department, from Route 10 to Ecoff Avenue.
 - e. Construction of additional pavement along the North/South Collector at its intersection with

Route 10 to provide a three-lane typical section (i.e., one (1) northbound lane and two (2) southbound lanes), and at its intersection with Ecoff Avenue to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes). The exact length of these improvements shall be approved by the Transportation Department.

- f. Full cost of traffic signalization at the Route 10/the North/South Collector intersection, if warranted, as determined by the Transportation Department.
 - g. Construction of additional pavement along the North/South Collector at each approved access to provide left and right turn lanes, if warranted based on Transportation Department standards.
 - h. Construction of additional pavement along Ecoff Avenue at the North/South Collector intersection to provide left and right turn lanes, if warranted based on Transportation Department standards.
 - i. Relocation of the ditch along the south side of Ecoff Avenue to provide an adequate shoulder for the entire property frontage.
 - j. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the "off-site" right-of-way that is necessary for such improvements, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)
24. Transportation Phasing. Prior to any construction plan approval or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition #23, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall not require construction of the following improvements prior to development of that portion of the Property on the south side of Route 10: an additional through lane on Route 10 eastbound; a right turn lane on Route 10 eastbound, or a sidewalk on the south side of Route 10. (T)
25. Cash Proffer. The Developer, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the Property:

- a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. Provided, however, that if any building permits issued on the Property are for senior housing, the dwelling units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in each unit, the amount approved by the Board of Supervisors, but not to exceed \$5,991 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. At the time of payment, the \$5,991 will be allocated pro-rata among the facility costs as follows: \$786 for parks and recreation, \$402 for library facilities, \$4,380 for roads, and \$423 for fire stations. Payments in excess of \$5,991 shall be prorated as set forth above.
 - d. Should Chesterfield County impose impact fees at any time during the life of this development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of, or credited toward, but not in addition to, any impact fees, in a manner determined by the County
 - e. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
26. Ecoff Elementary School Safety: The Developer, subdivider, or assignee(s), prior to the issuance of the first building permit for a residential dwelling unit, shall pay \$25,000.00 to the County of Chesterfield for Chesterfield County School safety improvements at Ecoff Elementary School that may include, but not be limited to, warning signalization, signage and crosswalks along Ecoff Avenue. (B&M)
27. Construction Traffic. No traffic associated with construction of residential dwellings on the Property may use Ecoff Avenue for access to or from the Property. Once access has been established from Tract A, across the east-west trending swale shown on the Zoning Plat, to Route 10, no construction traffic of any type may use Ecoff Avenue for access to or from the Property. (P)

28. Design Criteria and Architectural Treatment for Tracts B & C. The O-2 portion of the development in Tracts B & C of the Zoning Plat shall comply with the requirements of the Chester Village design criteria found in the 'Development Requirements - Village District' as stated in the Chesterfield County Zoning Ordinance, as they pertain to external lighting, street lighting, and street tree planting. The architectural treatment for the O-2 portion of the development shall be compatible with buildings shown in the photographs attached as Exhibits A and B. Compatibility may be achieved through the use of similar building massing, scale, colors, or other architectural features. Parking for buildings fronting on Route 10 shall be set back from Route 10 at least as far as the building served by the parking area. (P)
29. WITHDRAWN
30. Limitation on Units in Townhouse Rows. No single row of attached townhouses shall contain more than five (5) dwelling units. (P)
31. Limitation on Bedrooms for Land Bays 2 and 3. Within Land Bays 2 and 3, no dwelling unit shall initially be designed or constructed to have more than three (3) bedrooms. (BI & P)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board suspended its rules at this time to consider new items after 11:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER AMENDING THE COUNTY'S EMERGENCY RESPONSE COST RECOVERY ORDINANCE TO ELIMINATE THE PROVISION RELATING TO DRIVING WITHOUT A LICENSE OR DRIVING WITH A SUSPENDED OR REVOKED LICENSE

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider amending the county's emergency response cost recovery ordinance to eliminate the provision which allows the county to recover its reasonable costs incurred for incidents relating to driving without a license or driving with a suspended or revoked license. He further stated experience has shown that the offense of driving without a license has overwhelmed the program with additional monthly offenses, and the collection rate for driving with a suspended or revoked license is very poor. He stated the Police and Fire Departments and the Treasurer all request that this offense be eliminated from the ordinance.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance amendment.

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 13-71 RELATING TO REIMBURSEMENT OF
EXPENSES INCURRED IN RESPONDING TO DUI AND OTHER TRAFFIC
INCIDENTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 13-71 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 13-71. Reimbursement of expenses incurred in responding to DUI and other traffic accidents or incidents.

(a) A person convicted of violating any of the following provisions shall be liable in a separate civil action for reasonable expenses incurred by the county or by any volunteer rescue squad, or both, when providing an appropriate emergency response to any accident or incident related to such violation. Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000.00 in the aggregate for a particular accident or incident occurring in the county:

- (1) The provisions of Code of Virginia §§ 18.2-51.4, 18.2-266 or 29.1-738, as amended, or a similar county ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
- (2) The provisions of Code of Virginia, tit. 46.2, ch. 8, art. 7 (§§ 46.2-852 et seq.), as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident; and
- (3) The provisions of Code of Virginia, tit. 46.2, ch. 3, art. 1 (§§ 46.2-300 et seq.), as amended, relating to driving without a license or driving with a suspended or revoked license; and
- (3) The provisions of Code of Virginia, § 46.2-894, as amended, relating to improperly leaving the scene of an accident.

(b) In determining "reasonable expenses", the county may bill a flat fee of \$250.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the county for fire-fighting, rescue and emergency medical services.

(c) The police department shall compile a report of the reasonable expenses of the appropriate emergency response for each accident or incident and forward that information to the county attorney's office or the accounting department for appropriate proceedings. The fire department shall have the same reporting requirements except for accidents or incidents for which restitution is sought.

(2) That this ordinance shall become effective May 1, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.B. TO CONSIDER THE APPROPRIATION OF FUNDS RECEIVED FROM THE DEPARTMENT OF MEDICAL ASSISTANCE SERVICES AND AUTHORIZATION TO EXECUTE RELATED DOCUMENTS

Mr. Hammer stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of funds received from the Department of Medical Assistance Services.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board appropriated up to \$10,790,356 from the Department of Medical Assistance Services and authorized the County Administrator to execute documents and complete the transaction.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining manufactured home permits or zoning requests at this time.

18. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Miller, the Board adjourned at 11:12 p.m. until May 25, 2005 at 4:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Edward B. Barber
Chairman

